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10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14
15 ELECTRONIC FRONTIER FOUNDATION,)

16 Plaintiff,)

17 v.)

18 NATIONAL SECURITY AGENCY, OFFICE)
19 OF THE DIRECTOR OF NATIONAL)
INTELLIGENCE,)

20)
21 Defendants.)
22 _____)

Case No.: 14-cv-03010-RS

STIPULATION AND ~~PROPOSED~~
ORDER SETTING PRODUCTION
SCHEDULE AND STAYING
PROCEEDINGS UNTIL APRIL 20,
2015

Hon. Richard Seeborg

Pursuant to Civil L.R. 7-12, the parties, by and through undersigned counsel, hereby stipulate that they have reached an agreement regarding processing and production of documents responsive to Plaintiff's Freedom of Information Act (FOIA) request as narrowed by mutual agreement¹ and respectfully request the Court stay these proceedings until April 20, 2015 to allow the Defendants to proceed according to the production schedule the parties have negotiated and mutually agreed to.

This Freedom of Information Act (FOIA) case was filed on July 1, 2014, and a case management conference is scheduled for November 13, 2014.

The stipulated processing and production schedule is as follows:

December 15, 2014: Defendant Office of the Director of National Intelligence (ODNI) will complete processing responsive documents that originated with ODNI (and do not require outside consultation) and produce, non-exempt responsive information.

January 15, 2015: Defendant ODNI will produce non-exempt, responsive information from documents that required consultation completed as of that date.

February 2, 2015: Defendant National Security Agency (NSA) will complete processing and produce any non-exempt, responsive material referred by ODNI.

March 25, 2015: Defendant ODNI will complete processing the remaining documents that required consultation and produce non-exempt, responsive information.

March 31, 2015: Defendant NSA will complete processing and produce any non-exempt, responsive information from the balance of its responsive material except that requiring outside consultation.

April 20, 2015: Defendant NSA will complete processing and produce any non-exempt, responsive information from responsive material requiring outside consultation.

Because the parties have reached a stipulated production schedule for Plaintiff's FOIA

¹ Specifically, the parties have agreed that the following categories of information are outside the scope of Plaintiff's FOIA request: administrative emails, duplicative emails, and drafts (including emails embedding drafts) for which there is a final version included in the processed documents.

request, a stay will accommodate possible amicable resolution of this matter and serve the interests of preserving judicial resources and the parties' resources. In the event that Defendants do not meet the stipulated production deadlines and the parties cannot reach a revised stipulated schedule, Plaintiff reserves the right to seek lifting of the stay in order to proceed with a motion for partial summary judgment on the issue of the timing of production. Once Defendants have produced documents, Plaintiff also reserves the right to challenge Defendants' exemption and withholding claims after production is complete.

Finally, in light of the stipulated production schedule, the parties respectfully request that the Court adjourn the case management conference currently scheduled for November 13, 2014 until April 30, 2015 or to a date thereafter convenient to the Court.

DATED: October 21, 2014

Respectfully submitted,

/s/ Andrew Crocker
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DECLARATION PURSUANT TO CIVIL L. R. 5-1(i)(3)


I, Andrew Crocker, attest that I have obtained the concurrence of Jacqueline Snead, counsel for Defendants, in the filing of this document.

Executed on October 21, 2014, in San Francisco, California.

/s/ Andrew Crocker
Andrew Crocker

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/21/2014


Hon. Richard Seeborg
United States District Judge